

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

John Paul Rieser, Chapter 7 Trustee,

Appellant,

v.

**Case No. 3:15-cv-095
Judge Thomas M. Rose**

Judith Ann Stamm,

Appellee.

**ENTRY AND ORDER DENYING MOTION FOR CERTIFICATION OF
QUESTION ON INTERPRETATION OF OHIO HOUSE BILL 479 TO THE
SUPREME COURT OF OHIO, DOC. 3, AND REESTABLISHING
BRIEFING SCHEDULE.**

Pending before the Court is Appellant's Motion for Certification of Question on Interpretation of Ohio House Bill 479 to the Supreme Court of Ohio. Doc. 11.

The factors the Sixth Circuit recommends that district courts consider when deciding whether or not to certify a question to a state court are: 1) the existence of conflicting federal interpretations of an important question of state law, 2) whether or not the arguments on each side are substantial, and 3) whether the question is likely to recur in federal litigation without an opportunity for the state courts to decide it. *Geib v. Amoco Oil Co.*, 29 F.3d 1050, 1060 (6th Cir. 1994). Given the posture in which Ohio H.B. 479 will be applied, the Court finds the first factor of great significance. Movant points to no conflicting federal interpretations of the law.

For this reason, Appellant's Motion for Certification of Question on Interpretation of Ohio House Bill 479 to the Supreme Court of Ohio, Doc. 11, is **DENIED**.

The Parties are to proceed with briefing in the instant case. Appellant's brief is due August 6, 2015. Appellee's response is due August 24, 2015. Appellant's reply is due September 10, 2015.

DONE and **ORDERED** in Dayton, Ohio, on Monday, July 20, 2015.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE